

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GRETCHEN S. STUART, M.D., et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:11-CV-804
)	
RALPH C. LOOMIS, M.D., et al.,)	
)	
Defendants.)	

PERMANENT INJUNCTION AND JUDGMENT

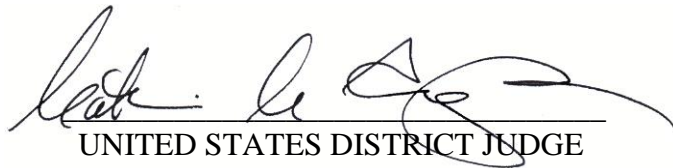
For the reasons set forth in the Memorandum Opinion and Order filed concomitantly herewith, it is hereby **ORDERED** and **ADJUDGED** that:

- (1) Plaintiffs' motion is **GRANTED** and Defendants' motion is **DENIED** as to Plaintiffs' First Amendment claim. Section 90-21.85 of the North Carolina General Statutes violates the First Amendment. Defendants and their agents and successors in office are hereby **ENJOINED** and prohibited from:
- a. enforcing—by civil action, criminal proceeding, administrative action or proceeding, or any other way— N.C. Gen. Stat. § 90-21.85;
 - b. penalizing—by civil action, criminal proceeding, administrative action or proceeding, or any other way—anyone for failure to comply with the provision of N.C. Gen. Stat. § 90-21.85; and
 - c. applying, imposing, or requiring compliance with, implementing, or carrying out in any way any part of N.C. Gen. Stat. § 90-21.85.
- (2) Plaintiffs' motion is **DENIED** and Defendants' motion is **GRANTED** in part as to Plaintiffs' vagueness claim. The construction of the seventy-two-hour exception,

N.C. Gen. Stat. § 90-21.85(a), is moot. The remaining challenged provisions are construed as follows:

- a. An “advanced practice nurse practitioner in obstetrics” under N.C. Gen. Stat. § 90-21.81(9) refers to a nurse practitioner certified in obstetrical ultrasonography.
 - b. The information required by N.C. Gen. Stat. § 90-21.82 may be provided by a physician or qualified professional, but a physician must be available to ask and answer questions within the statutory timeframe upon request of the patient or the qualified professional.
 - c. The Act imposes no criminal penalties.
- (3) Plaintiffs’ and Defendants’ motions on Plaintiffs’ Due Process claim are **DENIED** as moot.
- (4) Defendants’ request to modify the terms of the injunction is **DENIED**.

This the 17th day of January, 2014.


UNITED STATES DISTRICT JUDGE